IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPEAL NO. 1529 OF 2003

State of Maharashtra .. Appellant

versus

Ramchandra Shankar Chavan & ors... Respondents

...

Mr.A.M. Shringarpure, APP for the State.

None for the respondent.

CORAM : V.M. KANADE, J

DATED : 23rd September 2004.

ORAL JUDGEMENT :-

1. Heard learned APP appearing on behalf of the state.

2. The State is challenging the judgement and order passed by JMFC passed in Regular Criminal Case no.42 of 198 dated 26th August 2003. The trial Court by the said judgement and order acquitted the accused with the offences with which they were charged.

3. The prosecution case is that the accused had committed an offence u/s.324, 323, 504, 506 r/w sec.34 of the IPC. The complainant's case is that the complainant had filed a complaint stating that on 6th May 1998 at about 8.45 p.m, the accused assaulted him with fist and kick blows and also assaulted him with a wooden stick on his forehead. The trial Court came to the conclusion that the prosecution had not proved that the injuries in question were caused by wooden stick since it was produced by the complainant and the medical Officer was not examined to testify that the wooden stick may have caused the injury in respect of which a certificate was given by the Doctor. The trial Court also observed that another N.C. complaint was registered as Exhibit-30. The other witnesses did not support the prosecution case.

4. The learned APP appearing on behalf of the State has taken me through the evidence on record as also the deposition of witnesses from the record which was available with the learned APP. I do not see any infirmity in the order passed by the trial Court.

5. Leave is therefore refused. Appeal is dismissed.

V.M.KANADE, J